

**REMARKS**

This Amendment is in response to the Final Office Action of April 25, 2005. In the Final Office Action claim 42 was rejected under 35 USC 112, second paragraph. Claims 38, 39, and 45-50 were rejected under 35 USC 102(b) as being anticipated by US patent 5,911,732 to Hojeibane. Claims 40, 41, 43, 44, and 51-53 were rejected as being unpatentable over Hojeibane. Claims 42, 54, and 55 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,911,732 to Hojeibane in view of US patent 6,258,117 to Camrud et al. These rejections are addressed below under headings consistent with those of the Final Office Action.

Applicant notes that accompanying this Amendment is an Information Disclosure Statement (IDS). The IDS includes references that were previously submitted on January 10, 2005. Applicant has not received an initialed copy of the form 1449 indicating that the references were received. For the sake of convenience, Applicant is resubmitting those references in the accompanying IDS along with several additional references. Applicant further notes that the initialed copy of the IDS dated stamped September 22, 2003, indicates that no English language abstract was submitted for DE 29721310U1. Applicant has reviewed the PAIR page for the instant application and has determined that the English language abstract for DE 29721310U1 is present in the file wrapper. Nevertheless, for the sake of convenience, Applicant has resubmitted the English language abstract and requests that DE 29721310U1, previously submitted, be considered.

**35 USC § 112**

In the Final Office Action claim 42 was rejected under 35 USC 112, second paragraph. Applicant has canceled claim 42 without prejudice or disclaimer thereby mooting the rejection. Withdrawal of the rejection is requested.

**35 USC §102(b)**

In the Final Office Action, claims 38, 39, and 45-50 were rejected under 35 USC 102(b) as being anticipated by US patent 5,911,732 to Hojeibane.

Applicant has amended claim 38 without prejudice or disclaimer. Claim 38 has been amended to recite that the coil segments each extend along a greater longitudinal distance

than each of the serpentine segments. Support for the amendment may be found at least in Fig. 1 of the application.

This feature is not disclosed in Hojeibane. The spiral connector of Fig. 3 of Hojeibane is shown as extending over a much shorter length than the "cell type stents" of Hojeibane. There is no suggestion in Hojeibane to modify the length of the spiral connector so that it would exceed the length of the "cell type stents".

Claim 46 similarly recites that the coil segment is longer than the tubular serpentine segment. Again, Hojeibane does not disclose this feature - see, for example, the stent of Fig. 3 of Hojeibane, which shows the opposite.

At least for this reason, Applicant respectfully requests that the 102 rejection of claims 38, 39, and 45-50 be withdrawn.

### **35 USC §103**

In the Final Office Action, claims 40, 41, 43, 44, and 51-53 were rejected as being unpatentable under 35 USC 103(a) over Hojeibane. Claims 40, 41, 43, 44, and 51-53 are allowable for at least the reason discussed above with respect to independent claims 38 and 46. Applicant respectfully requests that the obviousness rejection of these claims be withdrawn.

In the Final Office Action, claims 42, 54, and 55 were rejected under 35 USC 103(a) as being unpatentable over US Patent 5,911,732 to Hojeibane in view of US patent 6,258,117 to Camrud et al.

Concerning claims 42, Camrud does not provide the missing teaching concerning the length of the coil segments. For at least this reason, Applicant respectfully requests that the obviousness rejection of claim 42 be withdrawn.

Claims 54 and 55 have been canceled without prejudice or disclaimer thereby mooting the rejection as to these claims.


### **Conclusion**

In view of the foregoing it is believed that the present application, with claims 38-55, is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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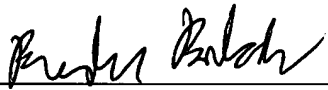
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Respectfully submitted,

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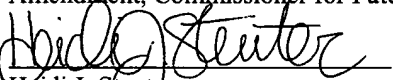
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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop Amendment, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on August 1, 2005.

  
Heidi J. Steuter